

Introduced by Senator Oropeza

February 24, 2009

An act to add Sections 7058.1, 7058.2, and 7138.2 to the Business and Professions Code, relating to contractors, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 258, as introduced, Oropeza. Contractors: public works.

Existing law, the Contractors' State License Law, provides for the licensure and regulation of contractors by the Contractors' State License Board. Existing law authorizes the board to set application, licensure, and renewal fees, among others, not to exceed certain limits, and provides for the deposit of those fees in the Contractors' License Fund, a continuously appropriated fund. Existing law requires contractors to obtain special certifications in order to perform asbestos-related work or to engage in hazardous substance removal or remedial action, as specified.

This bill would, on and after January 1, 2012, prohibit a contractor from performing work as a contractor or subcontractor on a public work, as defined, contracted for by the state or a state agency unless he or she has obtained a public works certification from the board. The bill would require the qualifier for a license to pass a public works certification examination in order to obtain that certification. The bill would require the board to develop the examination by January 1, 2011, and would specify the subjects that the examination must cover. The bill would authorize the board to deny or revoke a certification if the contractor fails or has failed to comply with the laws or regulations applicable to public works or commits or has committed other specified acts. The bill would authorize the board to charge each applicant a fee in an

amount sufficient to pay for the costs of administering the examination, not to exceed certain amounts, as specified.

Because the bill would increase the amount of moneys to be deposited in a continuously appropriated fund, the bill would make an appropriation.

Vote: majority. Appropriation: yes. Fiscal committee: yes.

State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 7058.1 is added to the Business and
2 Professions Code, to read:

3 7058.1. (a) On and after January 1, 2012, a contractor shall
4 not perform work as a contractor or subcontractor on a public work
5 that is contracted for by the state or a state agency unless the
6 contractor has obtained a public works certification from the board.
7 To obtain a public works certification, the qualifier for the license
8 shall pass a public works certification examination developed
9 pursuant to Section 7058.2 and administered by the board.
10 Additional updated examinations may be required based on
11 material changes in the legal obligations of public works
12 contractors.

13 (b) The board shall charge each applicant for a public works
14 certification a fee to take the examination specified in subdivision
15 (a) in an amount sufficient to pay for the costs of administering
16 that examination, as specified in Section 7138.2.

17 (c) The board shall make information on contractors certified
18 pursuant to this section publicly available.

19 (d) This section shall not be construed to affect the requirements
20 imposed by subdivision (b) of Section 7059.

21 (e) This section shall not be construed to restrict the state or any
22 other awarding authority from imposing additional requirements
23 on contractors in awarding public works contracts.

24 (f) The board may deny or revoke a public works certification
25 if the contractor fails or has failed to comply with the laws or
26 regulations applicable to public works or if the contractor commits
27 or has committed any of the acts constituting grounds for denial
28 of a license under Section 480. Procedures upon denial of a public
29 works certification shall be conducted in accordance with Section
30 485. Procedures for revocation of a public works certification shall

1 be conducted in accordance with Chapter 5 (commencing with
2 Section 11500) of Part 1 of Division 3 of Title 2 of the Government
3 Code.

4 (g) This section shall not be construed as expanding the
5 enforcement authority of the board.

6 (h) For purposes of this section, “public work” means any work
7 that is subject to the requirements of Chapter 1 (commencing with
8 Section 1720) of Part 7 of Division 2 of the Labor Code.

9 SEC. 2. Section 7058.2 is added to the Business and Professions
10 Code, to read:

11 7058.2. (a) On or before January 1, 2011, the board shall
12 develop a written examination for the certification of contractors
13 engaged in public work pursuant to Section 7058.1. The
14 examination shall be developed according to professionally
15 accepted principles for licensing examinations and with the
16 assistance of subject matter experts provided by the Department
17 of Industrial Relations, subject matter experts selected from state
18 agencies that award public work contracts, selected labor
19 organization representatives, and selected licensed contractors
20 engaged in public work. The examination shall cover the laws and
21 regulations applicable to public works, including, but not limited
22 to, all of the following:

23 (1) The requirements of Article 2 (commencing with Section
24 1770) of Chapter 1 of Part 7 of Division 2 of the Labor Code.

25 (2) The requirements of Section 4104 of the Public Contract
26 Code.

27 (3) The requirements of the State Contract Act (Chapter 1
28 (commencing with Section 10100) of Part 2 of Division 2 of the
29 Public Contract Code).

30 (b) This section shall not be construed as expanding the
31 enforcement authority of the board.

32 (c) For purposes of this section, “public work” means any work
33 that is subject to the requirements of Chapter 1 (commencing with
34 Section 1720) of Part 7 of Division 2 of the Labor Code.

35 SEC. 3. Section 7138.2 is added to the Business and Professions
36 Code, to read:

37 7138.2. In addition to the fee schedule specified in Section
38 7137, the application fee for a public works certification
39 examination, until December 31, 2014, shall not be more than
40 sixty-five dollars (\$65), and on and after January 1, 2015, shall

- 1 not be more than one hundred twenty-five dollars (\$125). Sections
- 2 7138 and 7138.1 shall apply to this section.

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